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Attorneys for Plaintiff Lagos Inc.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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LAGOS INC.	:
	:
Plaintiff,	:
-against-	:
	:
LORRAINE E. SCHWARTZ, INC. and	:
LORRAINE E. SCHWARTZ	:
	:
Defendants.	:
-----X	

Civil Action No. 07-cv-09254 (LAP)  
ECF CASE

**DECLARATION OF GREGORY P. GULIA  
IN SUPPORT OF ENTRY OF DEFAULT**

Gregory P. Gulia, does hereby declare:

1. I am a member of the firm of Duane Morris LLP, attorneys for plaintiff Lagos Inc. ("Plaintiff"). I am admitted to practice law in the State of New York and before this Court. I am familiar with all the facts and circumstances in this action.

2. I submit this affidavit pursuant to Rule 55.1 of the Local Civil Rules for the Southern District of New York in support of Plaintiff's application for entry of default and for the issuance of a certificate of default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure against defendants Lorraine E. Schwartz, Inc. and Lorraine E. Schwartz (collectively, "Defendants").

3. This action was commenced on October 15, 2007 by the filing of a summons and complaint in the United States District Court for the Southern District of New York. A copy of the summons and complaint is attached hereto as Exhibit A.

4. The summons and complaint in this action were properly served upon Defendants by delivering and leaving the summons and complaint with defendant Lorraine E. Schwartz who identified herself as the President of Lorraine E. Schwartz, Inc. and thus as an agent duly authorized to accept service on behalf of defendant Lorraine E. Schwartz, Inc.—at the offices of Lorraine E. Schwartz, Inc. located at 580 Fifth Avenue, Suite 1200, New York, N.Y. 10036, on October 19, 2007. Copies of the Affidavits of Service for defendants Lorraine E. Schwartz, Inc. and Lorraine E. Schwartz are attached hereto as Exhibits B and C and were filed with the Court on October 25, 2007.

5. The time within which the Defendants were to answer or otherwise move with respect to the complaint expired on November 8, 2007.

6. As of the date of this declaration, Defendants have not answered or otherwise moved with respect to the complaint. Defendants have not made any request for an extension of time to answer or otherwise moved with respect to the complaint and no such extension of time has been granted by or on behalf of the Plaintiff. Defendants have failed to appear, answer, or otherwise acknowledge or respond to Plaintiff's complaint.

7. Neither of the Defendants is an infant, in the military or an incompetent person.

WHEREFORE, Plaintiff respectfully requests that the Clerk enter default and issue a certificate of default against the Defendants Lorraine E. Schwartz and Lorraine E. Schwartz, Inc.

I declare under penalty of perjury that the foregoing is true and correct.



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Gregory P. Gulia

Dated: New York, New York  
February 5, 2008

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